

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
E/S Brooklawn Road, 390 ft. (+/-) S of c/l Chetwick Court
10609 Brooklawn Road
3rd Election District
3rd Councilmanic District
Benno Hurwitz
Petitioner

* BEFORE THE ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-397-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (covered carport with storage area) to be located in the front yard, in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of May, 1992 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (covered carport with storage area) to be located in the front yard, in lieu of the required rear yard, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(110) SS: 1386

May 13, 1992

Charles B. Heyman, Esquire
20 South Charles Street, 10th floor
Baltimore, Maryland 21201

RE: Petition for Residential Zoning Variance
Benno Hurwitz, Petitioner
Case No. 92-397-A

Dear Mr. Heyman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.
cc: Mr. Benno Hurwitz

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-397-A

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 to permit an accessory structure (covered carport with storage area) to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County for the following reasons: (explain hardship or practical difficulty)

1. Lot located on cul-de-sac
2. Siting and location of existing house on lot
3. Location of existing driveway
4. Topography

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

We agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(type or print name)

(signature)

address

City State Zip Code

Attorney for Petitioner:

CHARLES B. HEYMAN

(type or print name)

(signature)

20 S. Charles St., 10th Floor

Baltimore, Md. 21201

539-6967

Legal Owner(s):

BENNO HURWITZ

(signature)

(type or print name)

address

City State Zip Code

3708 Breton Way

Pikesville, Maryland 21208

20 S. Charles St., 10th Floor

Baltimore, Md. 21201

539-6967

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of May, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: LC DATE: 4/8/92

ESTIMATED POSTING DATE: 4/8/92 ESTIMATED CLOSING DATE:

ITEM # 412



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE 92-397-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/also presently reside at address 3708 Breton Way
City Pikesville, Md. 21208
State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (explain hardship or practical difficulty) I purchased this property as a residence for my wife and myself. We will move into the existing house, located on the Brooklawn Road, upon completion of remodeling, including an addition to the house. The house is located at the end of Brooklawn Road on a cul-de-sac. The single-family dwelling has been existing for a number of years and the driveway has also existed for a number of years. The yard area in front of the house is relatively level, but there is a sharp downgrade from the front of the house to the rear of the house and the downgrade continues throughout the rear yard area to the rear lot lines. There are no dwellings within 150 feet of the front property line. As a result of the location of the lot with reference to Brooklawn Road, the siting and location of the existing house and driveway on the lot and the topography of the lot, it would be a hardship and impractical to try to locate the covered car port and storage shed other than in the front of the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature) BENNO HURWITZ
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of April, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

BENNO HURWITZ

My Commission Expires: 5/1/94

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal: 4/6/92

NOTARY PUBLIC
My Commission Expires: 5/1/94

ZONING DESCRIPTION
10609 BROOKLAWN ROAD
THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point being situated on the northeastern most right-of-way line of Brooklawn Road, said point being situated 390.5' ± from the centerline of Chetwick Court (50' wide); thence leaving said road and running, North 62° 41' 38" East 370.29'; thence South 44° 38' 03" East 188.00'; thence South 03° 34' 20" East 560.00'; thence North 75° 21' 51" West 315.76'; thence South 45° 00' 00" West 183.85'; thence North 150° 57' 22" West 199.62' to a point situated on the right-of-way line of Brooklawn Road; thence blinding on said right-of-way by a curve to the left having a radius of 50.00', and an arc length of 96.22'; thence North 36° 13' 06" West 54.35' to the point of beginning. Containing 238,964 square feet or 5.486 acres of land, more or less. Being known as part of Lot 17 and all of Lot 18, Plat Two, Eocleston Valley as recorded among the land records of Baltimore County in Plat Book G.L.B. 25, folio 84. Also being known as 10609 Brooklawn Road.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: April 22, 1992
Posted for: Residential Variance
Petitioner: Benno Hurwitz
Location of property: 10609 Brooklawn Road, 390.5 ft. c/l Chetwick Court
Location of Signs: In front of 10609 Brooklawn Road
Remarks:
Posted by: L.E. Quate Date of return: April 24, 1992
Number of Signs: 7

Baltimore County
Zoning Commissioner
County Office Building
111 West Chaussepe Avenue
Towson, Maryland 21204

Account: R-001-6190
Number:

Item 422

Date: 4/9/92

HURWITZ

10609 Brooklawn Rd

Admin Var

Sign

50

35

\$85.00

Please Make Checks Payable To: Baltimore County \$85.00
EA 0010:19A04-09-92

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chaussepe Avenue
Towson, Maryland 21204

Account: R-001-6190
Number:

PAID PER HAND-WRITTEN RECEIPT DATED 4/9/92

4/08/92 H9200422

0

4/08/92

PUBLIC HEARING FEES QTY PRICE

010 -ZONING VARIANCE (IRL) 1 X \$50.00

080 -POSTING SIGNS / ADVERTISING 1 X \$35.00

LAST NAME OF OWNER: HURWITZ TOTAL: \$85.00

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
May 7, 1992
(410) 887-3353

Charles B. Heyman, Esquire
20 S. Charles Street, 10th Floor
Baltimore, MD 21201

RE: Item No. 422, Case No. 92-397-A
Petitioner: Benno Hurwitz
Petition for Administrative Variance

Dear Mr. Heyman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Your petition has been received and accepted for filing this 9th day of April, 1992.

Arnold Jablon
DIRECTOR

Received By:

W. Carl Richardson
Chairman,
Zoning Plans Advisory Committee

Petitioner: Benno Hurwitz

Petitioner's Attorney: Charles B. Heyman

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
APRIL 21, 1992
(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BENNO HURWITZ

Location: #10609 BROOKLAWN ROAD

Item No.: *422 (LJC) Zoning Agenda: APRIL 20, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
APR 22 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature Date 5/4/92

| File Number | Project Name | Waiver Number | Zoning Issue | Meeting Date |
|---|--|---------------|--------------|--------------|
| 10201-19 | Dolfield Road | 407 ✓ | No Comments | 4-13-92 |
| 200 | Norris Ave. | 408 ✓ | No Comments | |
| 2824-2828 | Paper Mill Road (Victoria Woods CRG) | 412 ✓ | No Comments | |
| 13024 | Gent Road (Manly Property (minor sub expanded to CRG)) | 413 ✓ | No Comments | |
| Seminary Overlook (Seminary & Thornton) CRG | | 414 ✓ | No Comments | |
| 2200 | Joppa Road | 417 ✓ | No Comments | |
| 1001 | Oakland Road | 418 ✓ | No Comments | |
| Broadview II (Related to CRG refinement) | | 419 ✓ | No Comments | |
| DEPRM RP (AT EIRD) | | | No Comments | |
| COUNT 20 | | | | |
| 4 Hilltop Road North | | 420 ✓ | No Comments | 4-20-92 |
| DEPRM RP (AT EIRD) | | | No Comments | |
| 10609 Brooklawn Road | | 422 ✓ | No Comments | |
| 8945 | Satyr Hill Road | 425 ✓ | No Comments | |
| DEPRM RP (AT EIRD) | | | No Comments | |
| Green Spring Valley Hunt Club (30 Green Spring Valley Road) | | 426 | No Comments | |

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: May 11, 1992
FROM: Mr. J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #422, Benno Hurwitz
#10609 Brooklawn Road
Zoning Advisory Committee Meeting of
April 20, 1992

The Environmental Impact Review Division offers the following comments:

Development of this site must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

JABLON3/TXTSPB

23 March 1992

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
111 West Chesapeake Ave.
Towson, Maryland 21204

re: Item # H9200378

Dear Sir:

We the undersigned, residing at 506 Sudbrook Lane, which is the property immediately adjoining 1015 Windsor Road (at the rear) have been apprised of the proposed garage to be constructed at 1015 Windsor Road and have no objection to said garage.

Signed: Robert Adler
Date: 4-7-92
Signed: Robert Adler
Date: 4-7-92

RECEIVED
APR 9 1992
ZONING OFFICE

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.
TENTH FLOOR-SUN LIFE BUILDING
20 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3220
(410) 539-0907
FACSIMILE
(410) 752-0685

April 15, 1992

Mr. Lawrence Goetz
Office of Baltimore County
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Hurwitz
10609 Brooklawn Road

Dear Larry:

In connection with the Petition for Administrative Variance which we filed in the above-referenced matter, I am enclosing seven photographs of the subject property. The first picture shows the front of the house from the existing drive. The next three pictures show various views toward and from the east end of the house. The remaining pictures show the area in which the proposed covered carport and storage shed will be built on the north side of the existing drive. Should you have any further questions, please do not hesitate to call either Charles Heyman or me.

Cordially,
Mark D. Dopkin

MDD:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
April 30, 1992
(410) 887-3353

Benno Hurwitz
3708 Berton Way
Pikesville, Maryland 21208

Re: CASE NUMBER: 92-397-A
LOCATION: 875 Brooklawn Road, 390(+/-) S of e/l Chetwick Court
10609 Brooklawn Road
3rd Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reference regarding the administrative process.

1) Your property will be posted on or before April 27, 1992. The closing date is May 11, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

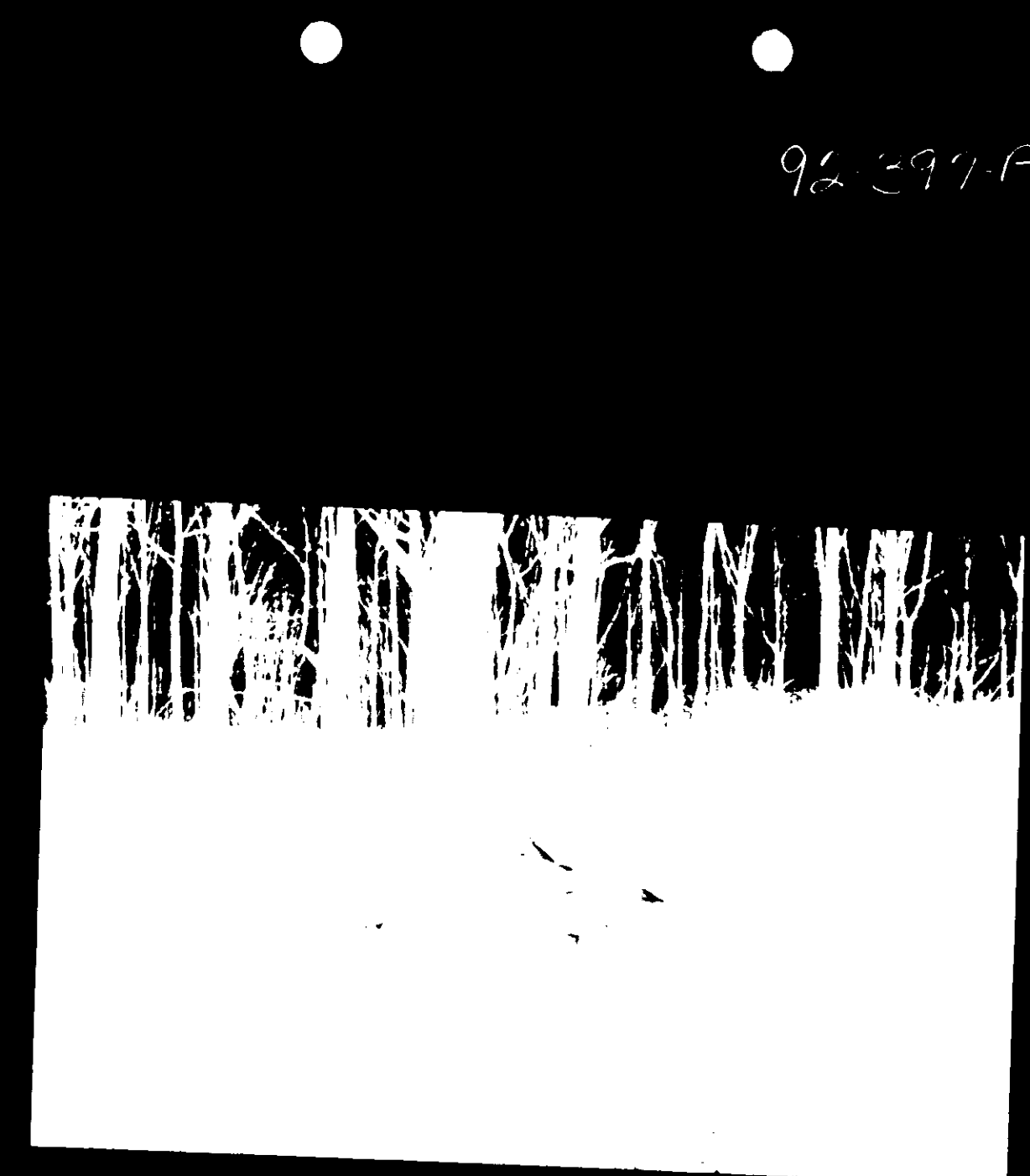
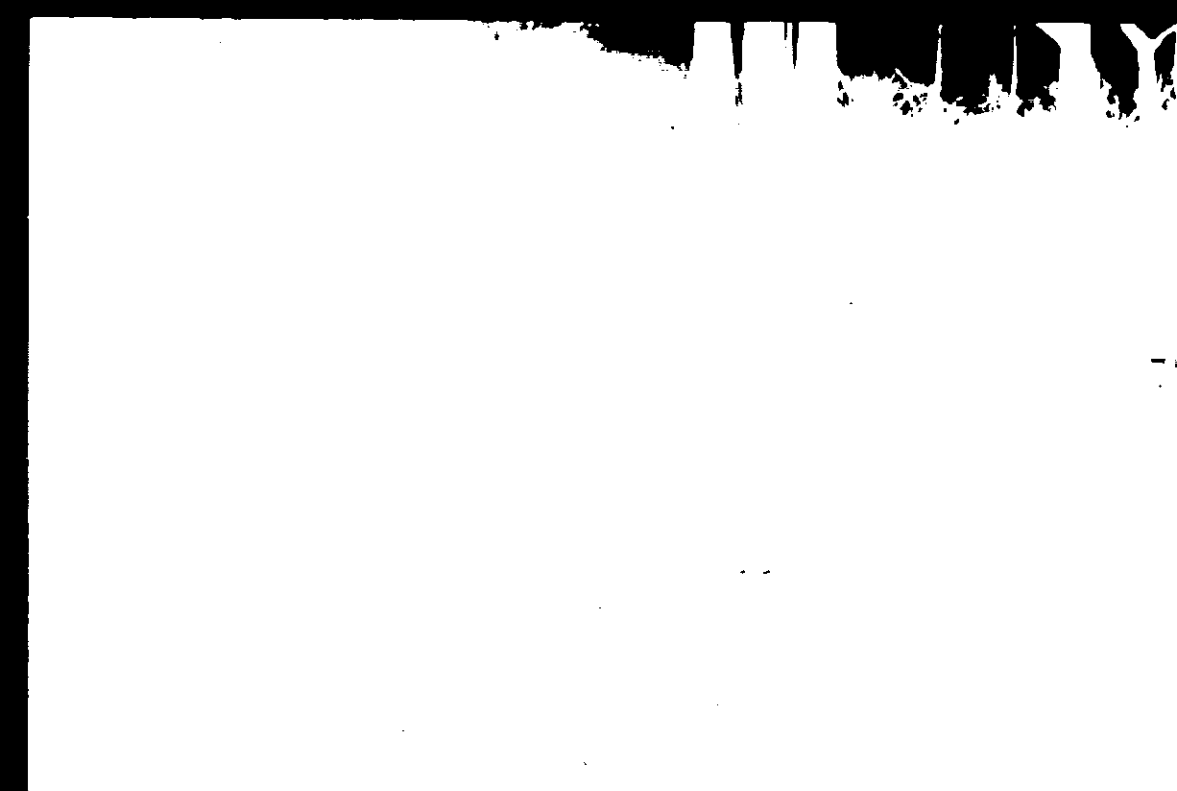
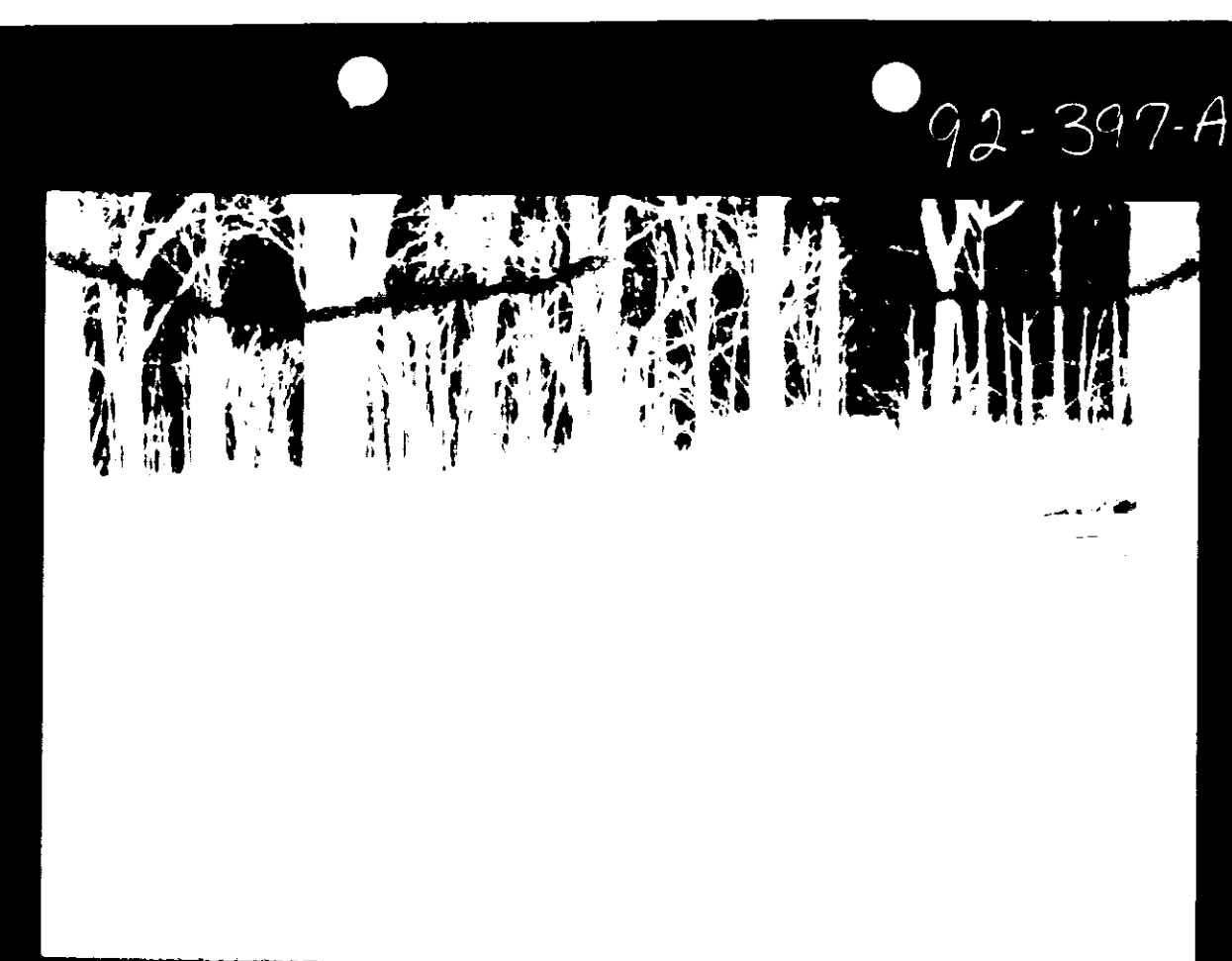
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

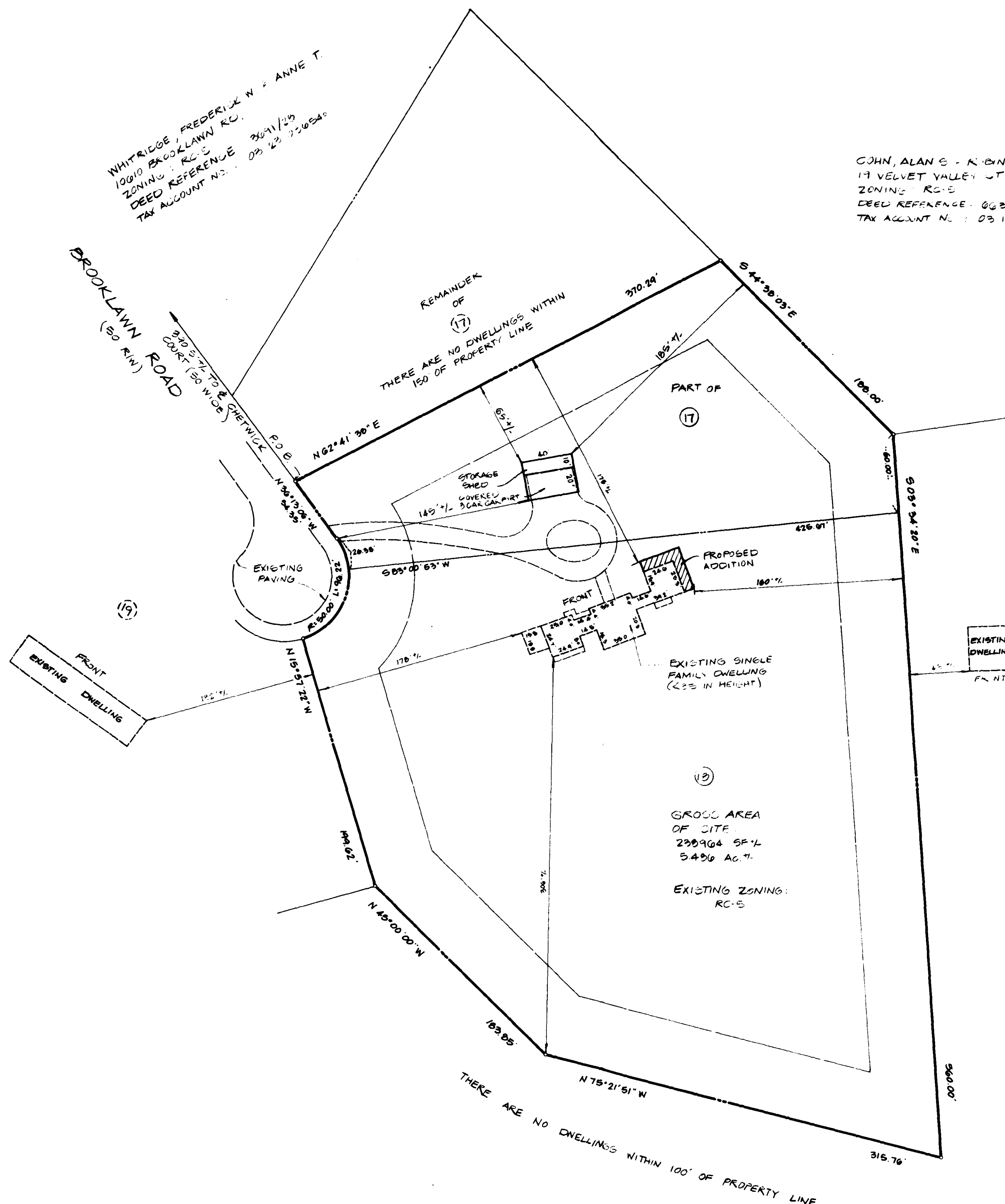
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

cc: Charles B. Heyman, Esq.

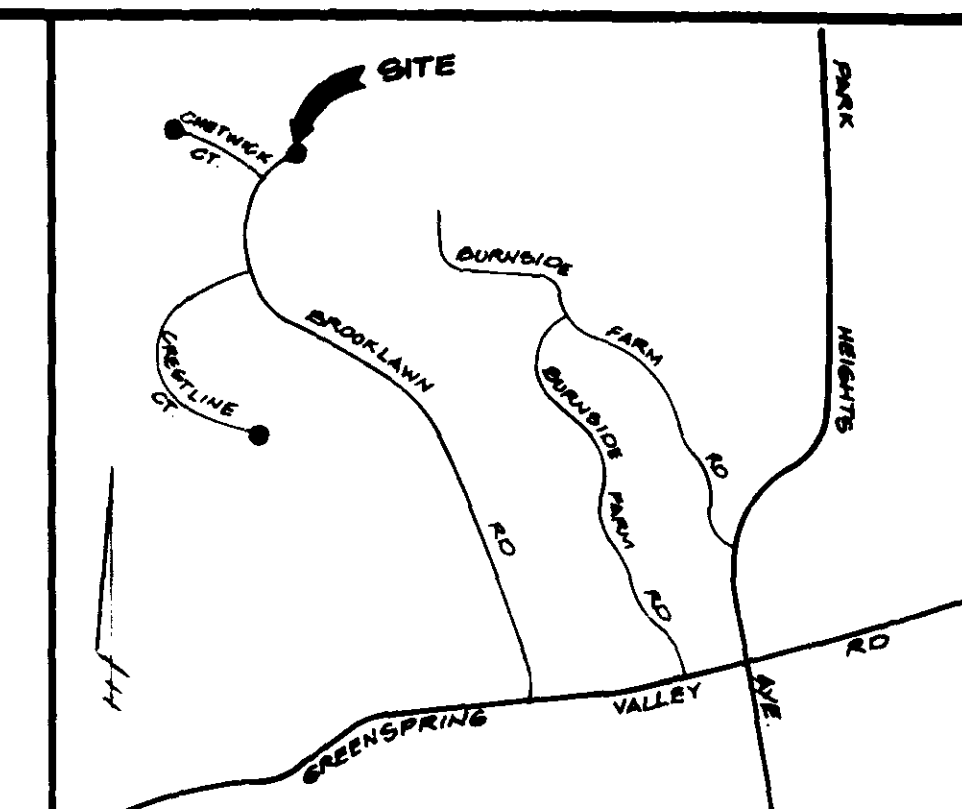


GENERAL NOTES:

1. OWNER: AUSTIN TALIAFERRO
#10609 BROOKLAWN ROAD
DUNING MILLS, MD 21117
2. DEED REFERENCE: 3903/302, 3091/323
3. TO THE BEST OF OUR KNOWLEDGE
THERE HAVE BEEN NO PREVIOUS
ZONING HEARINGS ON THIS SITE
4. THIS SITE IS SERVED BY PRIVATE
WELL AND SEPTIC SYSTEMS
5. COUNCILMATIC DISTRICT: 3



JOHN ALAN S. KIBIN
17 VELVET VALLEY CT
ZONING: RS-5
DEED REFERENCE: 0631/21
TAX ACCOUNT NO.: 03 13 014-21



VICINITY MAP
SCALE: 1"=1000'

92-397-A

REQUESTED VARIANCE

REQUESTING A VARIANCE FROM
SECTION 400.1 TO PERMIT AN
ACCESSORY STRUCTURE (COVERED
GARMENT WITH STORAGE AREA) TO BE
LOCATED IN THE FRONT YARD.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

10609 BROOKLAWN ROAD

3RD ELECTION DISTRICT
SCALE: 1"=50'

BALTIMORE COUNTY, MD
APRIL 1, 1992

BEING KNOWN AS

PART OF LOT 17 AND ALL OF LOT 18
PLAT TWO

"ECCLESTON VALLEY"

25/84

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

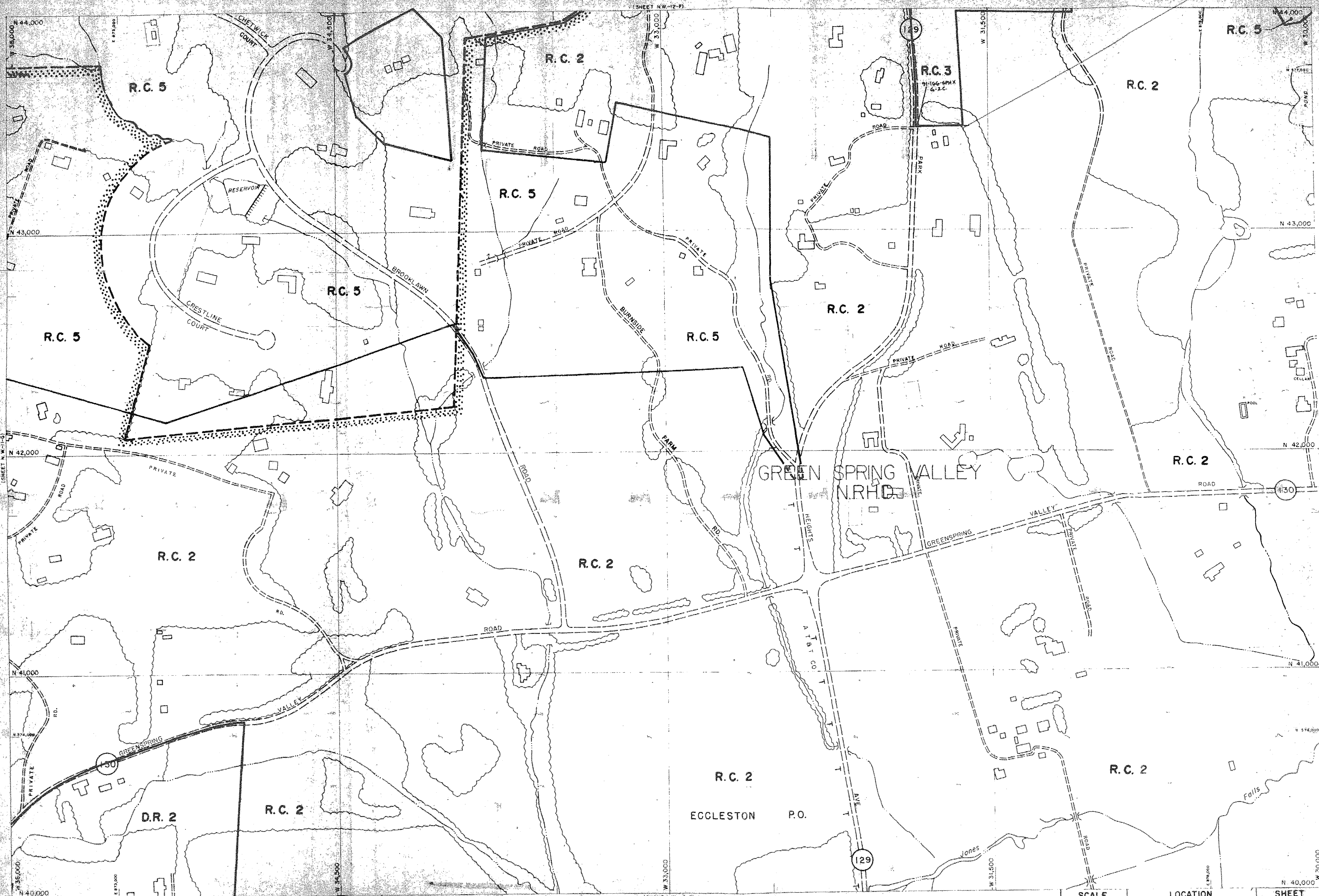
SHAWAN PLACE 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

(301) 527-1555

Computed by: J.D.G.
Drawn by: D.A.D.
Checked by: J.D.G.
Job Number: 92-23

James W. McKee Date
(Maryland Registered No. 9012)



1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 13, 1988
 BH Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE
 1" = 200' ±

DATE OF PHOTOGRAPHY
 JANUARY 1986

LOCATION
 ECCLESTON P.O.
 CHATTOLANEE

SHEET
 N. W.
 11-F

T-SE
P-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BOCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

92-397-A